App F 1X 4

Previous References

1945 46 (ml)

File No. 123-45

Serial Nos 7, 8

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Three

Part B for June 46

SUBJECT

Election of Mr P Sivasankar as president, City Municipal Council, Bangalore

Notified in Camp no 2 D, B.G Gb

P Complete ing

Gh

7280
L

From Mr H C Suryanarayana Rao
President, City Municipal Council,
Bangalore

No. C P W S 36/45-46, dated 17-4-46

States that on a resolution expressing 'no Confidence' in him has been passed by fifteen members of the Council and tenders his resignation for the presidentship of the Municipal Council, for acceptance of Govt and expresses his gratitude for the kind cooperation extended to him by the Govt and the municipal officers

Section 13 of the City Municipalities Act, 1933, is extracted below -

xx x

The president may resign his membership or his office as president by giving a notice in writing to that effect to the Government and such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the president

Is this correct JA

2) In the present case, the Vice President of the Bangalore City Municipality has to take charge from the president, who has resigned the post, till another president is elected by the Municipal Council

3) The resignation tendered by Sri H.C Sunyanarayana Rao Honorary president may not be accepted in the circumstances stated by him, by the Govt

4) The resolution of the Municipal Council referred to by him is not yet received

Why don't you place the Action file, Perused 18/9/14

5) Why is the resolution of the Council not received?

6) If VP is in office, he should take charge is it not?

7) Ask Mysore for an immediate report.

18/9/14

78 7280 for

8) Sealed with a draft letter calling for a report

9) Forwarded

18/4/46

To The Municipal Commr Bgly

C 11316 dt 18-4-46

Calls for a report in connection with the resolution of the Municipal Council

From the Municipal Commr Bangalore

C Prov 36/45-46 dated 17-4-46

Fds a copy of the Council Resolution dated 12-4-46, passing the "no confidence" motion against Mr C Suryanarayana Rao, President and P.V. Ramachandra Gupta Vice President for the information of Government

10) As directed in para 9 supra, a report has been called for from the Municipal Commr, Bangalore city

11) The resolution dated 12-4-46, passed by the Municipal Council, is for perusal

12) It is not known if Mr P V Ramachandra

Gupta, Vice President against whom also a

no confidence" motion has been passed is likely

to resign Till he resigns, he has to take

the duties of the

charge ~~from the~~ President, who has resigned the

post

(3) Under Section 23, 10 (b) of the Mysore City

Municipalities Act, 1933, the resolution in question

will become operative only if the same is passed by the

votes of not less than one half of the whole number of

Councillors, at another Special general meeting convened

for the purpose, within an interval of not less than

one month and not more than four months from each

other

(4) Notice for consideration of the

no confidence tendered by Mr. H. C. Suryanarayana
20/4

for the post of the President, Municipality

may not be accepted unless Sec 13 of

The Mysore City Municipalities Act 1933

is suspended by 5/6 of the

members present

7299/2

15) Is there any objection to the matter? Where is any doubt, the acceptance resolution?

22/4/46

16) The resignation of Mr. D.C. Sivaramayya under the signature of the President, Bhadra may be accepted vide sec 13 of the City Municipal Act. Notification may issue.

23/4/46

17) May be accepted

Minister for Edn & PH

23/4/46

18) Vide my marginal remarks in para 2 supra. To be treated urgent

23/4/46

24/4

19) Kind reference is invited to Section 26 (2) (b) of the Mysore City Municipalities Act, 1933 which runs as follows:—

"It shall be the duty of the Vice President—

(page 20 of the Act)

pending the Succession, appointment or election of a President or during the absence of a President on leave, to exercise the powers, and perform the duties of the President."

20) The circumstances under which the Deputy Commissioner may perform the functions of the President are ~~noted~~ indicated in Section 23 (6) of the Act. The statement made in para 2 of the note is quite Correct

Rec'd 24/4/46.

24/4

Minister for Ed" (PDF) DW 24/4

I. 25 4 46
II 6577

21) Has to issue ~~the necessary~~ urgently. HH

25/4/46

Rec'd at 4.15 pm
DW 26/4

DW 26/4

22) Send with a draft letter

23) Despatched

26/4

7299 / 2 5 M 576 / L

To The H.C. Jayanagara Rev President, Bangalore city
Bangalore city Municipal C.

L 11637 dt 26-4-46

Conveys approval to the acceptance of the resignation tendered by him to the office of the president, Bangalore city Municipal Council

Copy to the Sec. Bangalore City Corporation
L 11638-9 dt 26-4-46

27/4

My Revised

Rev Secy) for
25) for 26/4/46
Dewan) for perusal

DEWAN'S OFFICE
27 APR 1946
NO 6655

27/4

26)

30/4

30/4

From the Municipal Comr Bangalore city
C I P R 27/45-46 dated 4-5-45

Refs, for information a copy of the calendar sent up in connection with the election of the president on 20-5-1946

27) Submitted for perusal
prov sgd
29 under Section I dt of the Rules

7867/L

Regulating the election of the president and vice president of a city Municipal Council, the notification of the proposed election of the president has to be signed by the vice president of the Bangalore city Municipality

29) An enquiry will be made as to whether the vice president has not signed the notice as required by the Rule; such defect will give rise to a curable defect

30) Is that a legal defect? If so how? Why was it not signed by the Pl Commr himself

31) The draft put up calling for information is for approval

32 Information

To The Pol Comr Bly City
X 12433 dt 10-1-46
Calls for the return

8266 & 8247

From the Municipal town Bangalore
C.I.P.R-27/45-46 d 14-5-46

States that it was by mistake, that a copy of the Calender of events in connection with the presidents' election sent by the personal Assistant was submitted to you and regrets the error

From the Municipal town Bangalore city
CI P.R-27/45-46 dated 20-5-46

° states that the election for the presidents' place was held on 20-5-1946 that Mr P V Ramachandra Gupta resigned the office of the Vice president on 20-3-46, that Mr C N Narasimha Rao was elected as Chairman to conduct the election and that as Mr L S Rajan, one of the Candidates for the presidentship withdrew his Candidature, Mr P S. Vankar, being the only candidate left for the post was deemed to have been elected as president

:: The Municipal Commissioner has reported that, as Mr P-V Ramachandra

Gupta, has tendered his resignation, he has addressed the Deputy Comr, Bangalore District, to take charge of the office of the President, till approval of Government is received for the election of Mr P. Sivasankar as President.

3½) Under the Rules, the name of Mr P Sivasankar, B A LL B as President-Bangalore City Municipal Council, will have to be notified after the lapse of seven days, from 20-5-46, if no objection petitions are received in the meanwhile

3½ For personal Mrs will be put up on the 27th inst.

Proceedings & procedure to be adopted

Examined separately

Ramsay 21/5/46

Minister for Edn & Dev

21/5

21/5/46

OFFICE OF THE MINISTER FOR EDUCATION & P. W. D. 22-5-46 No. 7214

Serial No

37

Regarding the procedure adopted in conducting the elections for the President post on 20-5-46, and the validity of the resignation tendered by Mr P V Ramachandra Gupta, Vice President, it may be stated as follows -

38 According to the calendar of events the election for the President's place took place at 9 A M on 20-5-1946

39 Mr P V Ramachandra Gupta, Vice President, who was functioning as President addressed a letter to the Revenue Secretary to Government resigning the office of the Vice President, which he held and handed it over to the Municipal Commissioner, Bangalore city, at 9 A M on that date This resignation resulted ipso facto in his resigning the President's post also, which he held by virtue of his being the Vice President

40 In the absence of the President and Vice President, under Section 27(5) of the City Municipalities, the Council elected Mr C N Narasinga Rao as President and conducted the election

41 An extract of Section 13 of the City Municipalities Act is furnished below -

" A Councillor may resign his membership and a Vice President may resign his office as Vice President by giving notice in writing

NOTE—Contn Sheet

Serial No

to that effect to the president and such resignation shall take effect from the date of the notice"

42) Under Section 23-(6) of the city Municipalities Act 1933 the Deputy Commissioner Bangalore District has to be treated as the president of the city Municipal Council from 20-5-46 and Mr Ramachandra Gupta, then vice president, should have addressed his resignation to the president of the Municipal Council and not to the Government. This was certainly irregular

Flag C

43) Re the appointment of Mr C N Narasinga Rao as president to conduct the proceedings of the day, the Municipal Council has relied on the provision of Section 27 (5) of the Act. Attention is invited to Section 10 of the Rules regulating election of presidents and vice presidents in City Municipalities

Flag T

44) The point for consideration is whether the resignation tendered by Mr P V Ramachandra Gupta to the office of the Vice President of Municipality Rly. and hereby addressed it to the Revenue Secretariat is in order

Serial No

Flag 'D'

10672/23/1

U/ sec 13 of the Mysore City Mtls Act 1933, a Vice President may resign his office as such by giving notice in writing to that effect to the President of the Mcl when the statute lays down a definite procedure for adoption any other course would be ultra vires. In this view the resignation tendered by the public office of the Vice President is not in order

U/ the question relating to the validity of the proceedings of the meeting held for the election of the President need not be considered. at this stage it will be taken up if proper objection is preferred against the election within the prescribed period of seven days. . . . "

4) The law section may be consulted in regard to the validity or otherwise of the resignation of the public office of the Vice

4&5) Yes. Vice President may resign his office under the Act. He should address his letter of resignation to the President of the Mcl. Revenue Secy may look into the question of quorum at the meeting.

NOTE—Contn. Sheet

Law Branch, 24/5/46

24/5 General & Revenue Secretariat 24/5/46

4&5) Bot Secy Lawsec) Lr to Vice

57) Reference is invited to para 67 The notice in question is sent in original and is found to be addressed to the Secretary to Govt Revenue dept S 13 of the City Municipalities Act ~~2019~~ States that a Vice President may resign his office as Vice President by giving notice in writing to that effect to the President In the present case the notice is not to the President but to the Revenue Secretary to Govt On the face of it therefore the notice does not appear to satisfy the requirements of the section While there are various other circumstances in which a Vice President may cease to be so in the matter of resignation however this is the only method prescribed in the Act and in the absence of a letter to the President, it must be assumed that the resignation is not in order

57) I do not doubt the fact that on the day he resigned, he was indeed exercising the powers of President This however does not mean that he was not also Vice President in fact he exercised powers of President only because he was Vice President (see S 26(2)(b) From the letter shows he resigned as Vice Presidentship"

8266

General and Revenue Secretariat | File No | of 194 | [App I III-2

Serial No

The letter does not therefore appear to be in order

5) Incidentally it may be mentioned that apart from the mistake in regulation which may come to light, my view that the resignation is not in order would mean that the election of a Chairman on the 20th may be set aside on that day's meeting is in order, since section 27(5) was the applicable and not 23(6)

DS
24.5.46

Law Secy)

7) Rev Secy) MC

SK
24/5

8) If the resignation is held to be not in order, as per legal opinion expressed above, a communication to that effect will have to issue

Minister for Edn) 25/5/46

25/5/46

25/5/46

25/5/46

9) Dft regret 25/5/46

Govt of India
FOOD & EDUCATION & P
Date 25-5-46
No 2284

NOTE—Contn Sheet

E 266
- L.5 84232 5 8446 5 8597

File No ____ of 194

General and Revenue Secretariat

Serial No

57) Sealed with a draft letter

587 Issue advice

To The Municipal Comr
L 132 42 d 27-5-46

Directs States that he resignation letter of Mr. P V Ramachandra Gupta does not satisfy the requirements of Section 13 of the City Municipalities Act and that the resignation tendered by him is not in Order

From D-C Nilgiris District
C P A 27 - 20-5-46

Tels Charge reports assuming charge of the Honorary Presidents office on Forenoon of 20-5-46

From the Inspector General of Police
S/13. 3 - d 20-5-46

Tels he report of the Special Branch Officer re appointment of Mr P Sivasankar as President

From the Municipal Comr Nilgiris
C 1 P R 27/45-46 d 27-5-46

States that the Municipal Council at the Special Meeting held on 25-5-46 passed a second no-confidence motion, the first was passed on 12-4-46

TYPING SECTION
27 MAY 1946
GEN & REV SECTT

against Mr P.V. Ramachandra Gupta, vice president and forwards a copy of the Resolution passed in this behalf. For the information of Gat-

From the Municipal Council Office
C.R.P.-27 dated 29-5-46
States that he has written today (i.e 29.5.46)
that he is in charge of the office of the president
from the afternoon of 25th May, 1946 - i.e
the day when the second no-confidence
motion was passed against Mr Ramachandra
Gupta, vice president-

59) Section 23 (10) (a) and (b) of the Mysore City Municipalities Act, 1933 is extracted below:

(10) — Vacation of office by president and vice president, for want of Confidence

Every president (Chairman Executive) and every vice president of a Municipal Council shall forthwith be deemed to have vacated his office —

a) if a resolution expressing want of Confidence is passed by a majority

of not less than two-thirds of the whole number of Councillors at a Special General meeting Convened for the purpose

or

b) if resolutions expressing want of confidence in him are passed by the votes of not less than one half of the whole number of Councillors at two Special General meetings Convened for the purpose within an interval of not less than one month, and not more than four months from each other

(c) In this case the first "no Confidence" motion was passed against Mr Ramachandra Gupta on 12-4-46, and the second one on 25-5-46 it is seen that 15 Councillors out of the total strength of 30 have voted in favour of the above motion

(d) The vacating of the office has therefore to take effect forthwith and the action taken by the Municipal Council in addressing the D.C. Bangalore Dist to the effect that he is to be deemed to be in

8651/5 7000 T 8587/2

Charge of the presidents' duties from 25-5-1946 (Afternoon) (received of from 20-5-46, being the date of resignation tendered by Mr P. V. R. Gupta to the Vice presidents' Post) is in order

62) A copy of this letter will be sent to Comptroller for information

Mr 30/5

63) Orders notifying the appointment of Mr P Shivasankar as president Bangalore city Municipal Council are since issued

64) The suggestion at Para 62 supra is for orders

Mr 8/6

65) We was wrongly in the list file maybe included in this file & this file resubmitted but topped & attached properly

Mat should have been done earlier so as to avoid confusion Sir

8484
L

Petition dated 25-5-46, addressed to Govt. by Messrs V L S Raju & M K Narayana Iyengar & K R Papaiah, Raju, Municipal Councillors stating a that the Deputy Town Barcelore Dist. should have presided at the election of the president Barcelore City Municipal Council, and not Mr T V Narasinga Rao & that there was no further election, as they was no statutory Quorum at the meeting & that the whole proceedings are vitiated by fundamental irregularities, and requesting that the election of Mr P. V. Varadarajan as President Bhore City Municipal Council, may be set aside

Secretary's orders

1) References

Dated 9-5-46

2) The connected file has been submitted to the Minister for Education and Public Health today, with the opinion of the Law Section,

3024/Law
For orders

8484
2

3,024
Law

3) If approved, the remarks of the Municipal Council, on the several points mentioned in the petition, will be called for

4) A draft is sent up for appl.

Rev 25/5

Rev 25/5/46

To be perused
& Confidential Issue today

25/5

25/5/46

To The Municipal Council
Ref 1343 dt 27-5-46
Calls for its remarks on the several points

27 MAY 1946

A. 5) The Law Section will be consulted in regard to the several points mentioned in the petition. Objections pointed out.

Rev 27/5

27/5/46

Law section

27/5

General and Revenue Secretariat | File No 84184/3024 Local | of 194 | [App F III-2

Serial No	
	7) As already stated in the linked file, the resignation tendered by the Vice-President is invalid and not in order Therefore, Mr. P.V Gupta was the Vice-President of the Municipal Council on the date of the meeting and he could have presided over the meeting But he was absent for the meeting (He is said to have left before the proceedings commenced) Therefore, under Sec.27(5) of the City Municipalities Act, the Council was competent to elect a Chairman to preside over that meeting The question whether there was a quorum or not at the time of declaration of election of Mr Sivasankar as President, is one of fact and the report of the Commissioner may be awaited

Dewlkar for Dy Sec

CITY LAW DEPT 28 MAY 1946 SOR-

Law Secy) 28/5

Rev Secy) WC) 8) SK 28/5 — fr 28/5 Sons 29/5

9) Submit with a draft reminder to the Municipal Comr Bangalore City.

Some extract 31/5/46

Mr Laney the signatures by mice without initials of the Commissioner across signatures 30/5

10) Not necessary as the reply has been received 31/5/46

NOTE—Contn Sheet

Serial No

From the Asst Deputy Registrar
Municipal Towns
States that the name of the
Signatories to the election petition
filed against the C.S Raju and that
on reconsideration he withdraws
his Signature to the said election
petition
From the Municipal Town Br
C.R.P-12 27 dated 30-5-46
Forwarding his remarks on the
objection petition filed by the C.S
Raju and two other Councillors

(1) On the objection petition
filed by the C.S Raju, the following
points are urged.—
1. That under the Rules, the Deputy
Commr Bangalore District ought
to have performed the functions
of the President and not the C.M
Narasinga Rao, as the Council
had no jurisdiction to elect a
Chairman.

(2) In view of the opinion
expressed by the Law Dept at
para 7 supra, to the effect that the
Council was competent to

to preside over that meeting elect a Chairman, / this objection is not valid

13) It There was no statutory Quorum also at the meeting.

Under section 27 (4) of the City Municipalities Act 1933 the number of Councillors required to form a Quorum should be not less than one third The Municipal Comm. has reported that there were sixteen members present (Cobden the walk out staged by Mr H.C Sanyanarayana Rao) / against the strength of 30) and hence this objection is not also tenable

14) It that Dr. G V Navadurga Rao strongly supported the candidature of Mr P.S Venkatachar for the office of the Vice President

The Municipal Comm has reported that his office is not aware of any such circumstance

15) Mr K R Pattabhi Raju one of the signatories to the objection petition

has stated that on reconsideration he has withdrawn his signature, as he is convinced that the petition is untenable

(b) The rules regulating the election of the president and the vice president to the city Municipal Councils make no provision regarding the grounds on which the validity of an election can be questioned, except section 20 (4) of the city Municipalities Act, which defines a "corrupt practice"

(7) In the present case no allegation of bribery or corrupt practice is alleged and the alleged irregularities are not also established so as to vitiate the election.

(8) A draft notification appointing Mr. P. Shivasankar B A B.L, as president Bangalore city Municipal Council, is sent to the

Mr
1/6

18) The election of Mr P Sivasankaran B a, B L as ~~Secretary to the~~ President of the Bar Council is subject to the approval of Govt (vide Rule 9 of the Rules regulating the election of Presidents Vice Presidents & other Office bearers of the Bar Council).

19) Under rule 7 of the Rules, an objection petition has been preferred within the period of seven days, raising certain objections in regard to the validity of the election of Mr P Sivasankaran as President. It is signed by three members of the Bar Council namely Mr K R Lal, Rajan Rajan, Narayana Iyengar & K R Gopinath Rajan. But the last member has subsequently written to the effect that he has withdrawn his support & his signature to the election petition. If this plea which is contrary to the affidavit is accepted, then the Rajan petition cannot be considered to be valid on this point, the quorum of the Executive may, if necessary, be invited as the three fourth of Objection

SOLY

raised in Mrs Rapers petition have
been dealt with in paras 11 to 14
supra They do not appear to have much
substance

The Ag Com has reported that all
the forms are untenable No
corrupt practice or any
irregularity has been alleged when under which the proceedings
no necessity to cause any further
enquiry being made, as contemplated in
Rule 8 of the Election Rules

21) It was suggested that Mr L S Raper
who was one of the Candidates for the Presidentship
subsequently withdrew his candidature was present at
the meeting but did not raise the objection but
first in his petition - He could have easily done so

22) Having regard to all the facts of the case,
it seems that the election of Mrs
S thiruvarasan as President, Vice-Presidents & other
office bearers may perhaps be appd

23) Dft notes is also put up for appl

Rec'd 7/6/48

24) Legal Asst
Law Dept
W/C

for favourable
remarks

1/6/48

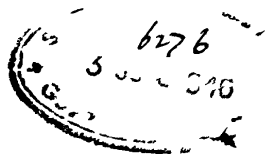
F+ 6/6
1/6

25) Mr Popatrao Rajin has withdrawn his support and signature to the election petition. Rule 4 of the Rules relating to the election of the President & Vice President of a Municipal Council lays down that the validity of any election may be contested by a petition signed by at least three councillors. If the petition has been signed by three councillors, and if one of them has withdrawn his signature to the petition then it must be deemed to have been signed by only two persons. Hence the word means indicates that all the three persons must continue until the final decision is given otherwise it may happen that all the councillors that signed the petition may withdraw from the contest and still the petition will continue.

3.6.46 / Law

26) The petition is now numbered and no action need be taken on it.

Law Secy) 3/6



27) Mr. Papiah Naidu writes in connection with the petn. It cannot be supposed, as the Asst. Surgeon rightly points out, that all the 5000 signatures in connection with the petn. would be obtained by the Director of Sanitation. There is no mandatory provision in the rules requiring the same person to get all the signatures. Any one or more signatures may suffice. No action on the petn. is called for in the circumstances.

Rly Secy) 3/6 SC 3/6

28) Draft notices to the petitioners are put up for the personal orders of the Hon'ble Minister.

3/6/46

To

Mr. S. Rajan, Advocate-
" M. R. Narayana Ayyar, Advocate-
" C. R. Pattabhi Raju.

S. tells that the Minister for Education and Public Health at 9.30 A.M. on 5-6-1946 in

8651

his Chambers at the Public Offices, Bangalore, and requests him to be present at the time and place specified above

29) Resubmitted The file will be sent to the Ministers' Office

3/6

30) P.A to the Minister for Finance & Commerce) for 3/6/46

31) Please issue notice to Mr P Shiva Shankar also

4/6/46

32) Immediate for 4/6/46

To Mr P Shivashankar
Mysore Advocate -
Bangalore A 4-6-46

Requests him to make it convenient to attend the Legislature at the appointed time and place

33) Resubmitted

3) P A to the Minister for Finance & P.W. Mysore) for 4/6/46

5/6/46 33) Parties heard and arguments advanced on both sides

5/6/46

36) Draft notification

— Also draft covering letter (to the petitioners)

37) There are no grounds for interference

38) The Election proceedings may be called for

and ordered —

Minister for Edn & PH

6/6/46.

39)

6/6/46.

40) Agreed

6/6/46

Endorsement granted to Messrs K S Raju, M K Narayana Iyengar and K R Papaiah Raju, MLAs

Camp No 1 — dated 6-6-46

Informs that their petition is rejected as Government consider that no interference is called for with the proceedings which are held to be in order.

To

The Commissioner, Bijapur & others

" Municipal Commissioner

" Returning Officer

" D C Bangalore Dist.

C 2-5 — dated 6-6-46

Notifies the election of the P

8651
L

S. Srinivasan, as president Bangalore city Municipal Council

order approving the election of

P. Shivashankar as president Bangalore city

Municipal Council are hereby issued

This will be 'B' recorded now

) Plumpup

yes

B

RO C. proc 36/45-46

City Municipal Offices,
Bangalore, dated 17th April 1946

From

H C SURYANARAYANA RAO, FSQ ,
Honorary President, City Municipal Council,
B a n g a l o r e

To

J B MALLARADHYA, ESQ , M A ,
Secretary to Government,
Revenue Department, BANGALORE

Sir,

As a resolution expressing no confidence in me has been passed by fifteen members of the Council and as it is not right in the interests of the Municipality to allow this dead-lock to continue until such time as another similar resolution is passed, I hereby tender my resignation for the Presidentship of the Municipal Council, for favour of acceptance

I will be failing in my duty if I fail to take this opportunity to express my gratitude for the kind cooperation extended to me by the Government, the Commissioner, the Health Officer, the Engineer and the entire staff of the Municipality, without which the large volume of useful work could not have been turned out in the space of only three months

I have the honour to be,
S i r,
Your most obedient servant,
H C Suryanarayana Rao
17 4 46
HONORARY PRESIDENT

L 11366 dt 18.4.46

To

The Municipal Commr
Bangalore City

I am directed to forward herewith a copy of letter No C PW JTS pol type / 36/45-46, dated 17-4-46, received from Rao Sahib Lingarajana Rao tendering his resignation for the post of the ~~Chairman~~ President-ship of the Bangalore City M.C. and to request You to kindly forward immediately a report in the matter, together with

the resolution of the Municipal Council
referred to therein

for Revenue

No C1 Press 36/45-46

CITY MUNICIPAL OFFICES,

Bangalore dated 17th Apr 1946

From

SAFI DARASHAH, ESQ, B A
Municipal Commissioner
Bangalore City

To

J B MALLARADHYA, ESQ, M A,
Secretary to Government,
Revenue ~~Law~~ Department, BANGALORE

SIR,

I have the honour to state that fifteen Members of the Municipal Council had tabled a no-confidence motions against the President, Mr H C Suryanarayana Rao and the Vice-President, Mr P V Ramachandra Gupta and the same was considered by the Municipal Council at a Special General Meeting convened for the purpose on 12-4-1946 The motions were passed in both the cases, 15 voting For and as against 8 in the case of the President and ~~15~~ 16 for as against 8 in the case of the Vice-President A copy of the Council Resolution in this behalf is here with sent for favour of information of Government

I have the honour to be,
Sir,
Your most obedient servant,

MUNICIPAL COMMISSIONER

Forwarded with compliments

17 4 46

Honorary President

Minutes of the proceedings of the Special Meeting of the City Municipal Council, Bangalore, held on 12-4-1946 at 3 P M. in the Council Hall of the City Municipal Offices, Bangalore.

The President informed the House that he had received a requisition from 15 members to call for a meeting to discuss the no-confidence motion against the President Mr H C Suryanarayana Rao and the Vice President Mr P V Ramachandra Gupta and in response to the said requisition he had called for this special meeting

Mr K M Nagenna moved the first resolution viz , Resolved that this Council has no confidence in the present President Mr H C Suryanarayana Rao and while moving the same observed that this resolution was not brought against Mr H C Suryanarayana Rao personally but on certain principle The present President was the nominee of the Congress Party which was no longer in the majority in the House In all other countries, immediately a party lost its majority in the House, the Leader of that party who would be holding office, would automatically resign his place Here he had personally seen and requested the President to tender his resignation, but he was told by the President that though he was the nominee of the Congress Party, yet immediately on becoming President, he had become no party man and that he was above all parties This argument was all right on paper but when put into practice, it was very difficult to follow. So the other party, viz , the Independants had no other go except to bring this no-confidence motion against him and thus compel him to vacate the office Mr K M Nagenna further said that this was the first time in the history of this Municipality nay in the Municipalities of the State when such a no-confidence motion had been brought against the President They had nothing against the President or his attitude towards the House but his being the nominee of the Congress Party which was in a minority in the House, was a great handicap and against all principles of democracy Hence the noneonfidence motion

Mr D Venkataramanappa seconded the above and Messrs G Nanjappa L S Raju, M F ~~Pixley~~ Pillay, Devudu, C N Narasinga Rao, ~~A K~~ A K Jayamuthu Raju- all supported it

Mr G V, Ramachar wanted the President to assure the House if he were continued as President, whether he would still remain loyal to the High Command which had no place in Municipal administration If he was given this assurance from the President, he would be in a position to decide whether to vote for or against the resolution

Messrs M K Narayana Iyengar, Ramalal Thiwari and B N Gupta- all opposed the motion and said that the President was above all parties so long as he remained President It w s clear from what the others had said that there was no charge against the President except that he belonged to Congress Party

Then the President observed that though he was the nominee of the Congress party, he was elected by the whole House as President and that he was above all parties

Then the motion was put to vote and 15 members voted for and 8 against

Mr M K Narayana Iyengar demanded poll and Mr Ramalal Thiwari supported it The following voted For - Messrs L S Raju, Misrilal Parasumull, C N Narasinga Rao, G V Ramachar, P Shivashankar, Devudu, K Ambrose Ananda, Singam Rangaswamappa, M Krishnaswamy Pillay A K Jayamuthu Raju, K M Naganna, G Nanjappa, D Venkataramanappa, R Thimmaiah, and N Y Pissay

The following voted against - Messrs P V Ramachandragupta, S Krishnappa, M K Narayana Iyengar, K.R Papiah Raju, K S Bhavanisa, C G Sastry, Ramalal Thiwari

Messrs. C Chennaiah and Mirza Azizulla Beig remained neutral

The result of poll was 15 For and 8 Against and 2 neutral

The motion was carried

Then Mr K M Naganna moved the 2nd proposition viz , that this Council has no confidence in the present Vice-President, Mr P V Ramachandra Gupta

Mr D Venkataramanappa seconded the above

When put to vote, 15 voted for and 8 against

Mr G Nanjappa demanded poll and Mr N Y Pissay supported it

The following voted for - Messrs L.S Raju, Misrilal Parasumal, C N Narasinga Pao,

G V Ramachar, P Shivashankar, K Ambrose Ananda, Singam Rangaswamappa, Devudu, M Krishnaswami Pillay, A K Jayamuthu Raju C Chennaiah, Mirza Azizulla Beig, K M Naganna, D Venkataramanappa, N Y Pillay and R Thimmaiah

The following voted against - Messrs Ramalal Thiwari C G Sastry, K S Bhavanisa, K R Papaiahraju, M K Narayana-Iyengar, S Krishnappa, B N Gupta

Mr G Nanjappa remained neutral

The result of poll was 16 for and 8 against and one neutral

The motion was carried

Then the meeting terminated

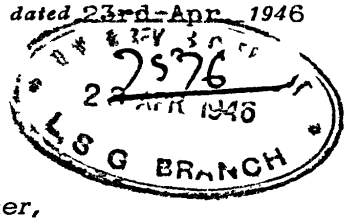
Sd/- H C Suryanarayana Rao,
Honorary President

Copy
Municipal Commissioner

Pros 36/45-6
No C1 ~~329/45-6~~

CITY MUNICIPAL OFFICES,

Bangalore dated 23rd Apr 1946



FROM

SAFI DARASHAH, ESQ, B A
Municipal Commissioner,
Bangalore City

To

J B MALLARADHYA, ESQ, I A S,
Secretary to Government,
Revenue Department, Bangalore

SIR,

With reference to your letter No L 11366 of the 18th instant, calling for a report on the resignation of Mr H C Suryanarayana Rao, I have the honour to invite kind reference to my letter of even Number dated 18-4-46, with which a copy of the Council Resolution has been forwarded

I have the honour to be,
Sir,
Your most obedient servant,

MUNICIPAL COMMISSIONER

No. C1.P.R. 27/45-46

City Municipal Offices,
Bangalore, 3rd May 1946

N o t i c e

A Special Meeting of the City Municipal Council, Bangalore, will be held on MONDAY the 20TH MAY 1946 at 9 A.M in the Council Hall of the City Municipal Offices, Bangalore, for the election of the President, vice Mr. H C. Suryanarayana Rao, resigned

For Honorary President

ELECTION CALENDAR
(Election of the President of the Bangalore City Municipal Council)

1	Notice of Meeting of the Municipal Council to issue on	3rd May 1946
2	Nomination Papers to be received on or before	Saturday the 11th May 1946 4 P M
3	Notification of the names of the candidates at the City Municipal Offices, Bangalore	13th May 1946 4 P.M.
4	Special Meeting of the City Municipal Council to be held for election,	Monday the 20t May 46 9 A M.
5.	Report of election result to the Government	20th May 1946

For Honorary President

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

Rd 123-48 Leaguer

H.E. Jayaramarajendradeolu

To The President, City Municipal Council, Bangalore.

L 11637
&26 4 46.

Sir,

In reply ~~to the reference~~ to your letter No G P W S 36/45-46, dated 17-4-1946, I am directed to state that Govt are pleased to accept the resignation offered tendered by you to the ~~front~~ of the Honorary President, City Municipal Council, Bangalore

I have the honour
to be
Sir
Your most obedient
servant

Memo No L 11638-9

Copy sent to Municipal Comr Bangalore City, for info.

Copy sent to Executive Officer for information

B-O

for Secretary

WD 03697—GPB—30 000—2 2 46

Appendix F G—1]

SECT

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 11637

General and Revenue Secretariat

Dated, Bangalore, 28th April 1946

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Revenue Department.

To

H C Narayanaraja Rao, Esq.,
President, City Municipal Council,
Bangalore

Sir,

In reply to your letter No C P.W. 350/45-46, dated 17th April 1946, I am directed to state that Government are pleased to accept the resignation tendered by you to the office of the Honorary President, City Municipal Council, Bangalore

I have the honour to be
Sir,
Your most obedient servant,

(Sd.) J B Adiseshiya,

Secretary to Government,
Revenue Department

Memo No L 11638-9/ 2264 GC

Copy of the above is forwarded, with compliments, to (1) the Municipal Commissioner, B City and (2) Comptroller to Government, for information By order,

for Secretary to Government,
Revenue Department

Dft Mw

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the 194

Date of issue 10 5. 46

Signed by

List of enclosures

Copied by

Examined by

Section

File I

Serial No

No L 12433

To

The Municipal Commr

Bangalore city

Sir,

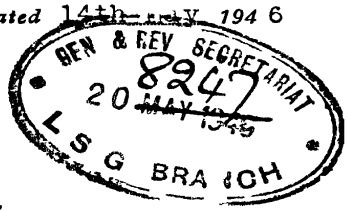
With reference to your letter no C I P R 27-45-46, dated 9/5/46 forwarding (for the information of Govt a copy of the Calendar prepared in connection with the election of the president, Bangalore city Municipal Council, on 20-5-1946 I am directed to enquire why the vice president of the Municipality (who under section 26 (2) of Mysore city Municipalities Act, 1933 has to be treated as president of the

Municipal Council for the
time being) has not signed the
notice in question, as required
under the proviso to rule 1 (d)
of the Rules regulating the election
of the President and Vice President
of a City Municipal Council or in the alternative why the
notice has not been signed by you as a Statutory Officer of the
Municipality

Yours truly
for
Secretary to Revenue Secretary to
Govt.

No C1 P R 2//45-46 CITY MUNICIPAL OFFICES,

Bangalore dated 14th May 1946



FROM

SAFI DARASHAH, ESQ, B A
Municipal Commissioner,
Bangalore City

To

J B Mallaradhya, Esq ,
Secretary to Government,
Revenue Department, Bangalore

SIR,

With reference to your letter No L 12436 dated 10th May 1946 asking why the copy of the Calendar of Events in connection with the election of the President on 20-5-46 (sent to Government on 4-5-46) was not signed by the Vice President etc , I have the honor to state that the practice in vogue in this Municipality is to get the original approved by the President or Vice President, as the case may be, and copies of the same would be signed by the Personal Assistant to the Commissioner, who is also the Secretary of the Council In this case, the original Calendar is signed by the Vice President as President and one of the copies signed by the Personal Assistant, on behalf of the President has been submitted to Government by mistake without my signature The error is regretted

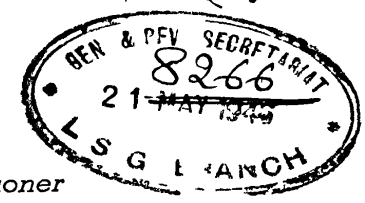
I have the honor to be,
Sir,
Your most obedient servant,

Municipal Commissioner

Bsh

No C1. P R. 27/45-4f
Encl Two

CITY MUNICIPAL OFFICES,
Bangalore dated 20th May 1946



FROM

SAFI DARASHAH, ESQ, B A
Municipal Commissioner
Bangalore City

To

J B MALLARADHYA, ESQ., M A,
Secretary to Government,
Revenue Department,
BANGALORE

SIR,

In continuation of this office letter of Even No dated the 4th instant, I have the honour to state that the election of the President for the remaining term was conducted this morning at a Special Meeting of the Council convened for the purpose Mr P V Ramachandra Gupta, Vice President, who was functioning as President, gave resignation to the office of the Vice President at 9 A M today (resignation letter enclosed in original), and in the absence of the President and Vice-President, the Council met and elected Mr C N Narasinga Rau as Chairman for conducting the election, under Section 27(5) of the Municipal Act Mr L S.Raju, one of the candidates for the Presidentship, withdrew his candidature and as Mr. P Sivashankar was the only candidate left for the office of the President, he was deemed to have been elected under Rule 5 (a) of the Rules of Election governing the elections of Presidents and Vice-Presidents of the City Municipalities A copy of the Council resolution in this behalf is herein enclosed for favour of information and orders of Government

In this connection I write to state that as the Vice President, who was functioning as President, had tendered his resignation for the office of the President, I have

written to the Deputy Commissioner, Bangalore District, to take charge of the Office of the President,(till approval of Government is received for the election of Mr P.Sivashankar as President,) under Section 23 (6) of the Municipal Act

I have the honour to be,
S i r,
Your most obedient servant,

MUNICIPAL COMMISSIONER.

Minutes of the proceedings of the Special Meeting of the City Municipal Council, Bangalore, held on Monday the 20th May 1946 at 9 A M in the Council Hall of the City Municipal Offices, BANGALORE

P r e s e n t

To

The Secretary to Government,

Revenue Department, Bangalore

Dear Sir,

I hereby tender my resignation to the Office of the Vice-President I am occupying now on account of private reasons.

Yours sincerely,

Bangalore City

P V Ramachandra
Signed
Date 20-5-46

Received at 9 am
20/5/46

Minutes of the proceedings of the Special Meeting of the City Municipal Council, Bangalore, held on Monday the 20th May 1946 at 9 A M in the Council Hall of the City Municipal Offices, BANGALORE

P r e s e n t

Messrs		Messrs	
1	N Y Pissay	11	C N Narasinga Rao, B A ,B L ,
2	R Thimmiah,	12	P Sivashankar, B A , LL B ,
3	K R Papiahraju,	13	Narasimha Sastry Devudu,M A ,
4	C Chenniah,	14	M Krishnaswamy Pillay,
5.	Singam Rangasamappa,	15	H C Suryanarayana Rao,
6	S Krishnappa, B A ,	16	K M Naganna,
7	K S Bhavanisa,	17	K Ambrose Ananda, B A ,L T ,
8	D Venkataramanappa,	18	A K Jayamuthuraju,
9	B N Gupta,	19	Misrilall Parasmull,
10	G V Ramachar, B A , LL B ,	20	S Ghouse Mohiyuddin,
		21	A J Khaleel, B A , B L ,

A b s e n t

1	M V Veerappa,	5	M K Narayana Iyengar, B A,B L
2	Ramalal Thiwari,	6	C Krishna Rao,
3	P V Ramachandra Gupta,	7	C G Sastry,
4	L S Raju, M A , (Hons) B L ,	8	Mirza Azeezulla Beig,
		9	G Nanjappa

When the Council assembled for conducting the proceedings of the meeting, the Commissioner informed the House that he had received resignation letter at 9 A M from the Vice President, Mr P V Ramachandra Gupta addressed to the Revenue Secretary tendering his resignation to the office of the Vice President and that the only course left to the House was to elect a Chairman and conduct the proceedings under Sec 27(5) of the Municipal Act

Mr K M Naganna then moved that Mr H C Suryanarayana Rao be elected as Chairman for the meeting and Mr D Venkataramanappa seconded it But Mr H C Suryanarayana Rao declined to take the chair

Then Mr Singam Rangaswamappa moved and Mr Devudu seconded that Mr C N Narasinga Rao be elected Chairman and it was unanimously passed

Mr C N Narasinga Rao then occupied the chair and conducted the meeting Mr H C Suryanarayana Rao raised an objection that in the absence of the President and the Vice President, it was the Deputy Commissioner who had the right to conduct the meeting and that therefore the present procedure was not correct and legal He further said that since the Congress Party in the Council had disagreement with the election of the President, the party would withdraw from the Meeting So saying he walked out of the Meeting with Messrs K R Papiah Raju, S Krishnappa, K S Bhavanisa B N Gupta

Mr C N Narasinga Rao observed that Mr H C Suryanarayana Rao had not raised any point of order about the legality or otherwise of the procedure i electing a Chairman for conducting the meeting Section 27(5) of the Municipal Act was quite clear and it gave the Council powers to elect its ow Chairman whenever the President or Vice President was absent at a meeting To-day's meeting had been convened properly and hence the Council had powers to elect its own chairman for conducting the meeting So the objection raised was not valid

He then informed the House that he had received a letter from Mr L S Raju (handed over to the Commissioner) withdrawing his candidature to the Presidentship and since there was only candidate left for the office

office of the President, viz. Mr. P. Shivashankar, he is deemed to have been elected President under Rule 5(A) of the Rules of Election.

Then Messrs. G.V. Ramachar, A.J.Khaleel and Devudu spoke condeming the action of the Congress Party in walking out of the meeting without any reasons.

Mr. Devudu congratulated the newly elected President and the meeting then terminated.

Sd/- C. N. Narasinga Rao,
Chairman.

"Copy"
Municipal Commissioner

[Appendix F G—1]

SUBJECT

8246

Immediate

Section

File No

Serial No

Diary No of letter replied to

No L 13242

General and Revenue Secretariat

( )

the 194

To

The Municipal Comr
Bangalore city

Date of issue 27.5.46

Sir,

Signed by

With reference to your letter No C1. pr27 45-46 dated 20-5-46 re. the resolution tendered by Mr. P V Ramachandra Gupta to the post of the Vice President of the Bangalore city Municipal Council held by him, I am directed to ~~state that observance that the notice in question~~ state inspite that, under Section 13 of the City Municipalities Act, a Vice President may resign his office as

List of enclosures

Copied by

Examined by

~~Vice President~~ such giving
notice in writing to that effect
to the President and the present
case, the p-r Ramachandra Gupta
has addressed this letter of ~~this~~
resignation not to the President
but to the Revenue Secretary to
Government. As the notice does
not ~~strictly~~ satisfy the require-
ments of the said section, the
absence of a letter addressed to
the President, the resignation
tendered by ~~him~~ is ~~not effective~~
not in order.

I Leave it "

Revenue Secretary to Govt

Report dated 20th May 46 from an officer of the Special Branch, Bangalore

GEN & RET 8476 25 MAY 1946

REPORT OF TRANSFER OF CHARGE BY OFFICERS

(Vide *para 104 of the Mysore Treasury Manual*)

No C/PR 27/46 Office of Asst Superintendent

SECRETARIAT 23 MAY 1946 GEN & RET BRANCH

Dated 20/5/46

1 Name and designation of relieved officer—

Mr. Subbaraya (My)

2 Name and designation of relieving officer—

A C Narayana Gowda, Esq B A
Deputy Commissioner, Bangalore District

3 Date and hour of transfer of charge—

Forenoon of the 20th May 1946

21/5-

4 Authority under which the transfer is made and the reason for such transfer—

Since Mr P U Ramachandra Gupta, Assistant Superintendent, Secretariat as present, tendered resignation of his appointment under Sec 23(6) of the C.S.-Rules Act 1933

Certified that

(1) Separate statements showing the details of cash stamps opium ganja all bills for stock (Article 47 of the Civil Account Code Volume II) and

(2) an acknowledgment of the permanent advances in the prescribed printed form (*vide* para 221 of the Treasury Manual) have been attached to the charge report forwarded to the Comptroller to the Government of His Highness the Maharaja of Mysore

N B—Certificate No 1 is required in case of transfer of charge of Taluk Treasuries by Amildars and of District Treasuries by Deputy Commissioners

Signature of relieved officer

Signature of relieving officer

These should be signed by relieving officer

P T O

The Rev Secretary.

12

3 The Comptroller to Government

4 The Secretary to Government General and Revenue Departments

---

Note— Here enter the name of the immediate official superior and his designation

| Here enter the name of the Head of the Department and his designation

GPB—500 book of 100 sheets each—27-3 13

Report dated 20th May 46 from an officer of the Special Branch, Bangalore

GEN 8426 25 MAY 1946 S.C. BRANCH

At a special meeting of the Bangalore City Municipal Council at 9 A.M. under the presidentship of Mr. C.N.Narasinga-Rao, Mr.P.Shiva Sankar was elected President of the Bangalore City Municipality The only other contesting candidates, Mr.L S. Raju, withdrew his candidature

Before the meeting began, Mr.P.V.Ramachandra Gupta, Vice-President of the Council, who could have presided over the meeting tendered his resignation to the Vice-presidentship of the Municipal Council and left the premises unceremoniously.

The Municipal Commissioner explained the circumstances and suggested that the Municipal Councillors should elect the president of the day in accordance with the rule, to conduct the presidential election Mr.K.M.Naganna suggested the name of Mr.H.C.Suryanarayana Rao to preside over to-day's meeting Mr.Suryanarayana Rao, however, declined to preside Thereafter, Mr Channiah proposed Mr.C.N.Narasinga Rao to the chair and G.V.Ramachar supported the proposal. Mr.H.C.Suryanarayana Rao said that the Deputy Commissioner should preside over the meeting in the present circumstances as per rule and that the Congress Municipal Party has decided to remain neutral in the presidential election and that they were leaving the Council Hall Accordingly, Messrs H.C.Suryanarayana Rao, B.N.Gupta, Papiah Raju, S.Krishnappa and Bhawani Sa, Congress Municipal Councillors left the Council Hall Mr.C.N.Narasinga Rao who presided, announced the withdrawal of the candidature of Mr. L.S.Raju for the presidentship and declared that Mr. P.Shiva Sankar was unanimously elected. Mr Raju did not attend the meeting.

Messrs. Davadu Narasimha Sastry, G V.Ramachar and A J Khaleel delivered short speeches condemning the action of the Vice-President, Mr Gupta in ~~staging~~ having walked out of the Council Hall after tendering the resignation without giving formal intimation to the members concerned, and criticising the attitude of the Congress Municipal Party being against the principles of dem/

The Municipal Councillors present felicitated Mr.P. Shiva Sankar on his election as President of the Municipal Council

CONFD ... L
BRANCH G R S
I 24685
D 22/5

SECRET

No.S.B. 3 /45-46 Bangalore, dated 20th May 46.

Copy forwarded with compliments to the Chief Secretary to the Government of Mysore, Bangalore, for information.

S Narayanagowda

Inspector-General of Police
in Mysore

PVM 16

CHIEF SECRETARY
22 MAY 1946
GOVT OF MYSORE

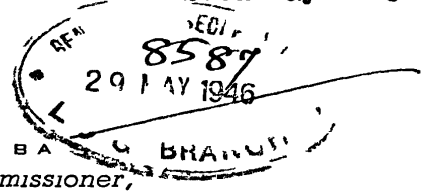
Subs for perusal
Rev Secy)

22/5/46

No C1. P R. 27/45-46

CITY MUNICIPAL OFFICES,

Bangalore dated 27th May 1946



FROM

SAFI DARASHAH, ESQ., B A
Municipal Commissioner,
Bangalore City

To,

J B MALLARADHYA, ESQ., M A,
Secretary to Government,
Revenue Department, BANGALORE

SIR

In continuation of this office letter of Even No. dated the 20th May 1946, I have the honour to state that the Municipal Council, at their Special Meeting held on Saturday the 25th May 1946, passed a second no-confidence motion (the first was passed on 12-4-46 and communicated with this Office No. C1.Pros. 36/45 dated 18-4-1946) against Mr. & P V Ramachandra Gupta, Vice President. A copy of the said resolution is herein enclosed for favour of information of Government.

I have the honour to be,
S i r,
Your most obedient servant,

MUNICIPAL COMMISSIONER.

Minutes of the proceedings of the Special Meeting of the City Municipal Council, Bangalore, held on Saturday the 25th May 1946 at 5 P.M. in the Council Hall of the City Municipal Offices, Bangalore.

P r e s e n t.

Messrs.

1. N.Y.Pissay
2. R.Thimmiah,
3. G.Nanjappa,
4. C.Chennaiah,
5. Singam Rangasamappa,
6. D. Venkataramanappa,
7. G.V.Ramachar, B.A., B.L.,
8. C.N.Narasinga Rao, B.A., B.L.,
9. P. Sivashankar, B.A., LL.B.,
10. M.Krishnaswami Pillay,
11. K.M.Naganna,
12. A.K.Jayamuthuraju,
13. A.J.Khaleel, B.A., B.L.,
14. Syed Ghouse Mohiyuddin,
15. Mirza M.Azeezulla Beig.

A b s e n t.

1. M.V. Veerappa,
2. K.R.Papiahraju,
3. Ramalal Thiwari,
4. S.Krishnappa, B.A.,
5. P.V.Ramachandra Gupta,
6. K.S.Vhavani Sa,
7. B.N.Gupta,
8. L.S. Raju, M.A.,(Hons) B.L.,
9. C.Krishna Rao,
10. Narasimhasastry Devudu, M.A.,
11. M.K.Narayana Iyengar, B.A., B.L.,
12. H.C.Suryanarayana Rao,
13. K.Ambrose Ananda, B.A., L.T.,
14. Misrilall Parasmull,
15. C.G. Sastry.

When the members assembled in the Meeting Hall and waited for some time, and when the Vice President did not come to occupy the Chair, it was agreed that they might select one among themselves as Chairman and proceed with the business, since it was a legally convened meeting at the request of sixteen members to pass a resolution of No-Confidence against Mr. P.V. Ramachandra Gupta, Vice-President. Accordingly Mr. D. Venkataramanappa proposed and Mr. K.M.Naganna seconded that Mr. C.N.Narasinga Rao may be selected as Chairman of that day's meeting and it was passed unanimously. Then Mr. C.N.Narasinga Rao occupied the Chair.

Mr. G.Nanjappa wanted to know if the procedure adopted by the House in selecting Mr. C.N.Narasinga Rao as Chairman in the absence of the President or Vice-President was correct and Mr. C.N. Narasinga Rao observed that the resignation letter tendered by Mr. P.V. Ramachandra Gupta for the office of the Vice-President was not valid in as much as he had addressed it to the Revenue Secretary instead of to the President of the Municipal Council as contemplated

under the Municipal Act and as such he was still the Vice-President functioning as President. He had convened this meeting at the request of sixteen members but had absented himself from attending the meeting. Hence it was open to the Council to select its own Chairman and conduct the deliberations of the House, which the Council had done and so there was nothing illegal in what they had done.

Mr. M. Krishnaswami Pillay wanted to know who had sent out the notices of the meeting and he was informed that the meeting had been convened by Mr. P.V.Ramachandra Gupta who had himself signed the notices of the meeting.

Then Mr. K.M.Naganna moving the proposition viz., "that this Council has no confidence in the Vice-President, Mr. P.V.Ramachandra Gupta" said that since the gentleman was absent it did not speak well of them to criticise or condemn him at his back and that his proposition may be adopted by the House.

Mr. D.Venkataramanappa seconded the above resolution and Mr. G.Nanjappa supporting it said that when the first no confidence motion was passed against the Vice-President, Mr. P.V. Ramachandra Gupta, he had remained neutral and since Mr. P.V. Ramachandra Gupta himself had tendered his resignation to the office of the Vice-President, he thought there was no harm in supporting the no-confidence motion which was before them.

Then the proposition was put to vote and passed unanimously the Chairman also voting in favour of the motion.

Then the meeting terminated.

Sd/- C.N.Narasinga Rao,
Chairman.

(Copy)

Municipal Commissioner.

Report dated 24-5-1946 of an officer of Special Branch, Banga.

CI PR 27/45-46

MR SAFI DARASHAH B A
MUNICIPAL COMMISSIONER

8600
30/5/46

CITY MUNICIPAL OFFICES
BANGALORE

Dated 29th May 1946

Dear Sir,

With reference to your letter No L 13242 of the 27th instant, intimating that the resignation tendered by Mr P V Ramachandra Gupta for the office of the Vice-President is not in order since it has been addressed to the Revenue Secretary and not to the President of the City Municipal Council, as contemplated under section 13 of the Mysore City Municipalities Act of 1933, I write to state that in view of the above, I have today written to the Deputy Commissioner, Bangalore District, that he is in charge of the office of the President from the afternoon of the 25th May 1946 i e , the day when the second no-confidence motion was passed against Mr Ramachandra Gupta, Vice-President (the first no-confidence motion was passed against him on 12-4-46), and not from 20-5-1946, i e , when Mr Ramachandra Gupta tendered his resignation to the office of the Vice-President

Yours sincerely,

Darashah

J B Mallaradhya, Esq , M A ,
Secretary to the Government of Mysore,
Revenue Department, BANGALORE

8576 29

Report dated 24-5-1946 of an officer of Special Branch, Bangalor

Mr G.V Ramachar, Municipal Councillor, Bangalore City, has issued the following statement in reply to the statement of Mr H C Suryanarayana Rao, Leader of the Congress Municipal Party, in connection with the Bangalore City Municipal Presidential election held on 20th May 1946 -

The arrogance with which Mr H C Suryanarayana Rao has asked me to revise my knowledge of law will be treated with the contempt it deserves The bone of contention on the 20th was whether the meeting called by Mr P.V Ramachandra Gupta was invalid on account of the so-called resignation by him to the vice-presidentship on the eve of the meeting and walking out of the Municipal Office without even intimating the Council Mr H C Suryanarayana Rao contended that as both the offices of the President and the Vice-President had fallen vacant, the Deputy Commissioner had to conduct the meeting under Section 23 Clause 6 My contention was that the office of the Vice-Presidentship could not be treated as vacant on account of the alleged resignation Because, the resignation letter of Mr. Gupta was not only contrary to law but was also a fraud on the constitution The law provides that the Vice-President shall give notice of his resignation to the President under Section 13. But the same Section provides a different procedure for the President to resign The President will have to give notice of resignation to the Government and the same will take effect after the acceptance of the Government reaches the office of the President Till then the President will have to look after the duties

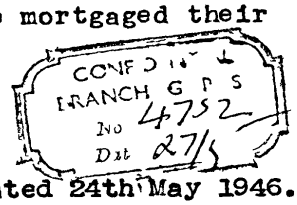
As soon as the office of the President becomes vacant, Mr Gupta assumed the duties of the President under Section 26 Clause (b) It provides that the Vice President shall do the duties of the President till an election is held It is statutory obligation which is undertaken in case where such a contingency arises I do not think that the law provides that a Vice-President could enjoy the powers and prestige of the President under the guise of holding the elec-

election for presidentship and nullify the very object by - tendering an illegal resignation The letter of resignation was invalid because it was addressed to the Revenue Secretary. This high officer whom Mr Gupta chose to address does not - find a place in the Municipal Act. Besides, the letter did not even reach the Revenue Secretary on the 20th It was - delivered to the Commissioner. But the Commissioner is not the agent of the Revenue Secretary to receive any letter on his behalf according to the Municipal Act. If the resignation was, therefore, invalid, then how can one construe the - Vice-Presidentship as vacant so as to enable the Deputy Commissioner to come and preside. Mr. Gupta was only absent - from the meeting and under Section 27, any Councillor should be elected as Chairman and the meeting proceeded with. May I say that those who live in glass houses should not throw - stones.

Mr. H C.Suryanarayana Rao contends that because there was no President, therefore the resignation was addressed to the - Revenue Secretary May I ask him the Section which authorises this procedure Mr H C.Suryanarayana Rao had to invent a Section in his own mind But my contention was that the resignation under the following circumstances is not authorised in the Municipal Act If the offices of the President and Vice-President have once been elected and thereafter the President resigns and if the Vice-President acts for the President pending the - election of the President, the question of resignation till that event happens is not contemplated by the Act at all - That is - why no person is fixed in the act who can receive such letters of resignation. That is why I say that the resignation was a fraud on the constitution.

Now a word with regard to his political convictions I am asked to admire the leader of the Congress Party, who was impotent against an unjust High Command and who could not implement the - original promise made to Mr. Raju Physician, Heal Thyself I am only sorry that such an able man as Mr. Raju had the misfortune

of having to depend upon people who have mortgaged their conscience to others.



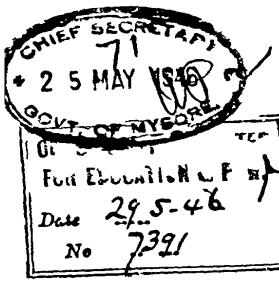
SECRET

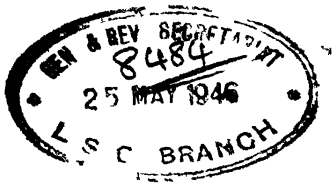
NO.SB.3/45-46 Bangalore, Dated 24th May 1946.

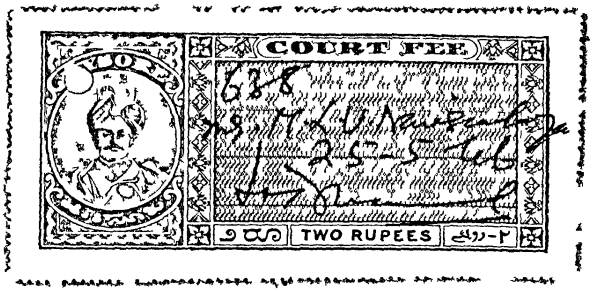
Copy forwarded with compliments, to the Chief Secretary to the Government of Mysore, Bangalore, for information.

I/C Inspector-General of Police in Mysore.

Kvr.







BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE.

Petition No. of 1945-46.

Petitioners -

(1) Mr. L S Raju, M A ,(Hons)B.L , Advocate and Municipal Councillor, Bangalore City Municipal Council, Bangalore City.

(2) Mr M K Narayanaiengar BA BL Advocate, Municipal Councillor Bangalore City

(3) Mr K R Papaiah Rai Jeweller and Municipal Councillor Thelugarpet, Bangalore City

- Vs -

Respondent -

Mr P Sivasankar, B A , B.L , Advocate and Municipal Councillor, Chamarajpet, Bangalore City.

Under Rule 7 of the Rules regulating the ~~xxxxxx~~ Election of the President and Vice-President to the City Municipal Council, the above Petitioners beg to submit as follows -

1. The Petitioners are Councillors of the Bangalore City Municipal Council The Respondent is also a Councillor of the Bangalore City - Municipal Council. The Petitioners submit that owing to the resignation of Mr. H C Suryanarayana Rao

, to-

to the Office of the Presidentship of the Bangalore City Municipal Council and which was accepted by the Government, a special meeting of the Municipal Council was called for at 9 A.M., on Monday the 20th May 1946, for electing a President in the vacancy caused in the Office of the President by the resignation of Mr H C. Suryanarayana Rao.

2 The Vice-President during this period and upto 19-5-1946 was Mr P.V Ramachandra - Gupta. He also tendered his resignation for the Office of the Vice-President before the special meeting fixed for 20-5-1946 was held. His resignation statutorily took effect at once and the result was that there was a vacancy in the Office of the President and there was no Vice-President to take his place. Consequently under Section 23 (6) of the City Municipalities Act, the Deputy Commissioner ought, "not withstanding anything contained in this Regulation, or notifications issued or the rules framed thereunder", to have performed the functions of the President.

3 The 1st Petitioner and the Respondent herein had contested the Office of the Presidentship after being duly nominated. The 1st - Petitioner on learning about the resignation of the Vice-President but by Mr P V Ramachandra-Gupta and for other reasons withdrew his candidature.

4 When the Councillors had assembled at the meeting on 20-5-1946 at 9-20 A.M , there was no President or Vice-President and the Deputy Commissioner did not preside The Commissioner

suggested to the Council to elect a chairman themselves He had no jurisdiction to do so and it was illegal. The illegality was pointed out by Mr B N Gupta

5. Nevertheless Mr K M Nagánna, one of of the Councillors proposed the name of Mr H C Suryanarayana Rao as Chairman but the latter pointed out that unless the Deputy Commissioner presided as enjoined by the Statute the meeting was illegal and declined to occupy the chair Mr B N Gupta, another Councillor supported Mr H C Suryanarayana Rao in his objection

6. Mr C N Narasinga Rao was then proposed as Chairman and in spite of the illegality of his presiding being pointed out, he presided contrary to law and observed that the Respondent must be deemed to have been elected

7 The Petitioners submit that the meeting, not having been presided over by the Deputy-Commissioner, is wholly illegal, and the election of the Respondent is wholly invalid and liable to be set aside There was no proper election at a duly convened meeting presided over by the proper person according to Statute The - Petitioners understand that the Deputy Commissioner has since taken charge of the Office of the President

8. Petitioners also understand that at the time when Respondent was declared to have been elected there was not statutory quorum also at the meeting

9.

9. Petitioners further submit that the Respondent's candidature to the Office of Presidentship was strongly supported by Mr. C N Narasinga Rao and/consequently, ignoring the illegalities pointed out, he was not competent to occupy the chair at all.

10. The Petitioners therefore submit that the whole proceedings are vitiated by fundamental illegalities rendering the election invalid and pray that the election may be set aside.

1st Petitioner.

2nd Petitioner.

Advocate for-
Petitioners.

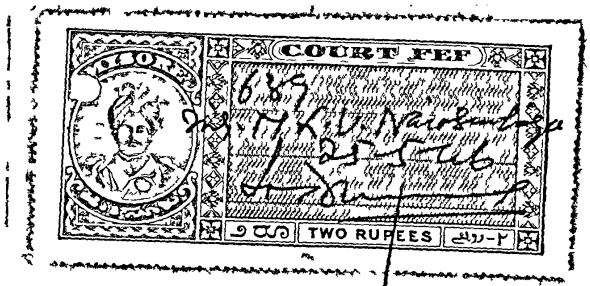
3rd Petitioner.

Verification.

I, the 1st Petitioner abovenamed do hereby declare that what is stated in the above paras 1 to 10 is true to the best of my knowledge and information.

1st Petitioner.

Bangalore,
Dated 25th -May 1946.



Before the Government of His Highness the Maharajah of Mysore
IN THE COURT OF BANGALORE

Petition No OF 1945— 1946

Appellant/~~Plaintiff~~/Petitioner		Respondent/~~Defendant~~
Mr L. S Raju and two others	Vs	Mr P Swayambhu

1 ~~I~~/We the Petitioners above named do, by these presents retain Mr M Lakshmanaraya high Court Vakil Rao Bahadur Venkatarama Iyengar Advocate Kao Bahadur Somesvara Temple Street, Bangalore City to appear and conduct the above case on ~~my~~/our behalf to judgment.

2. ~~I~~/We further empower him to do all necessary acts in the above case, to execute any decree or order that may be passed in ~~my~~/our behalf, and to receive from the Court all documents, refunds and all sums of money that ~~I~~/We may be entitled to get and grant receipts therefor, and also empower him to enter into any compromise on ~~my~~/our behalf

3 ~~I~~/We also undertake to confirm and ratify all the acts done by the said Advocate or by any other Advocate on his behalf in so doing

BANGALORE,
25 5 1946

K R P. Raju

Personally known to me and signed in my presence

P Krishnaswamy

Accepted

P Krishnaswamy

Advocate for Petitioners

PUROHIT POWER PRINTING PRESS B C Y

Appendix F G —1]

SUBJECT

Immediate

Confidential

Section

File No

Serial No

Diary No of letter replied to

No L 13243/W.I.E

General and Revenue Secretariat

( )

the 194

To

The Municipal Commr
Batticaloa city—

Sir,

(Date of issue 27.5.46

Signed by Ils
pr Type

I am directed to forward herewith a copy of the petition, dated 25-5-46, received from Messrs S. Rajan and two other Municipal Councillors requesting, for the reasons stated therein, that the election of Mr P Sivasankar as president, Batticaloa city Municipal Council, may be set aside and to request

List of enclosures

Copied by

Examined by

WD 0874—GPB—25 000—20 11 4

Your remarks on the
several points mentioned herein
may be submitted to me immediately

Yours

Dec 25/5/44

from Revenue Dept

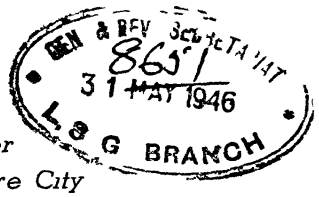
me

Confidential

No C1 P R 27/45-46

CITY MUNICIPAL OFFICES

Bangalore dated 30th May 1946



FROM

SAFI DARASHAH, ESQ, B A
Municipal Commissioner
Bangalore City

P Sivashankar

To

B MALLARADHYA, ESQ, M.A,
Secretary to Government,
Revenue Department, Bangalore

5320 dtd 30/5/46 31/5/46

SIR,

With reference to your letter No L 13243/N E of the 27th instant, forwarding a copy of the objection petition filed by Mr L S Raju and two other Councillors against the election of Mr P Sivashankar as President of the Bangalore City Municipal Council, I have the honour to state as follows -

The election of the President in place of Mr H C Suryanarayana Rao, who had resigned from that office, was fixed for Monday the 20th May 1946 at 9 A M and on that day, Mr P V Ramachandra Gupta, Vice President, who was functioning as President and had convened the Special Meeting of the Council for electing the President, gave his resignation to the office of the Vice Preside t at 9 A M The resignation was addressed to the Revenue Secretary and was handed over to me for being transmitted to Government In pursuance of the notice of the Meeting, twenty-one Councillors had assembled in the Council Hall on that day, and Mr P V Ramachandra Gupta's resignation was brought to their notice by me at 9-20 A M Some of the Members observed that since the resignation was not addressed to the President as contemplated under Section 13 of the Mysore City Municipalities Act of 1933, Mr

Mr P.V.Ramachandra Gupta was still the Vice President and since he was absent, the Council had the right to elect a Chairman for that convened meeting under Section 27(5) of the Mysore City Municipalities Act of 1933 Accordingly they selected Mr C N.Narasinga Rau as Chairman and since Mr L S.Raju had withdrawn his candidature and as Mr P. Sivashankar was the only candidate left for election, the latter was deemed to have been elected as President. (This has already been communicated to Government with this office letter of Even No. dated 20-5-46), wherein the details of the proceedings have been submitted)

As re. Para 7, it has to be stated that the meeting for electing the President had been duly convened by the Vice President, who was functioning as President at the time. Since the resignation was not addressed to the proper authority, viz , the President (as contemplated under Section 13 of the Municipal Act), Mr Ramachandra Gupta was still the Vice President, and so had to be considered as absent at the meeting, as he had left the Municipal Office

As re Para 8, that there was no statutory quoram at the meeting when Mr P Sivashankar was declared elected as President, kind reference is invited to the copy of the proceedings sent with this office letter of even No dated 20-5-46, wherein it is clear that there were sixteen members present (after the walk out staged by Mr H C Suryanarayana Rao and four others) and hence this objection is also not tenable

As re Para 9, that Mr C N Narasinga Rau strongly supported the candidature of Mr P Sivashankar for the office of the President, it may be stated that this office is not aware of any such circumstance

I have the honour to be,
S i r,
Your most obedient servant,

MUNICIPAL COMMISSIONER

From

K R Papiah Raju,
Municipal Councillor,
Second Division, Bangalore City

To

The Government of Mysore,
Bangalore

Through

The Revenue Secretary,
Public Offices, Bangalore

Sir,

Re The Election petition filed by Mr L S Raju, and two others in connection with the - election of the President of the City Municipality on 20th May 1946

******

I am one of the three signatories to the said election petition On a reconsideration of the matter I am convinced that the petition is untenable.

Therefore I withdraw my support and signature to the said election petition referred to above,

Yours truly,
K R P Raju

29th May 1946

5 Copies

To L13644 6
Hurdaw at 5-10 p.m.

Messrs & 3.6 66

(1) L S Rajan M A (Hons) BL
Advocate & Municipal Councillor
Basavangudi, Bangalore city

(2) M K Narayana Iyengar BA, BL
Advocate & Municipal Councillor
East Park Road, Malleswaram
Bangalore

(3) K. R Papaiah Rajan
Jeweller & Municipal Councillor
Thelugupet, Bangalore city

Sir,

In reference to your petition dt 25/5/42 raising certain ~~points in connection with~~ objections against the validity of election of Mr P Shivashankar as President of the Bangalore city Municipality, I am directed to state that the Minister for Edn & PH will hear you at 9-30 A.M. on the 5th inst in his chambers at the Secretariat Offices, Bangalore. You are requested to make it convenient to be present at the time and place specified above

I have etc

P.T.O. . . Secretary to Govt

To The P. Sivashankar B A B L
Advocate Counsellor,
Chamarajpet, Blue

Sir,

The Minister for Education & Ph
has fixed the hearing of the application filed
by Messrs Raghu, M.C. Narayana Reddy
and K.R. Papanna Raghu, Municipal Councillors
objecting to the validity of your election as
President, B.B.M.P. at 9.30 AM on the 5th
inst in his chambers at the Police Officers, Blue
You are requested to make it convenient to
be present at the time and place specified
above

Yours faithfully
for Secretary

Copy to P/B

5/6/16

Sec 13 of C.J. Municipalities Act

Standing over his resignation to Municipality — Technical — Formal resignation — Vacancy Deemed taken Charge — (Mistake not Corrected)

Sec 23(6) D.C. Shd have taken charge —

4/ Comm suggested to one one of their own people

J

Immediate

Dft no 1

G R S ~~App F G 3~~ Comp no 2 Notification

~~GENERAL AND REVENUE~~

Sec 27 (5) what is the interpretation?

Dr

Mr Vasudevakumar

Was of resigning -

President

Vice President

Lahore AIR 1931 - I 87

High Court -

If the law is clear, law must be applied -

Immediate. Dft no 1

G R S ~~App F G 3~~ Camp no L 2 D 6-6-46

Note Circulation

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Camp
NO.L. / GENERAN & REVENUE SECRETARIAT,
Dated, Bangalore, the 6th Jun 1946.

Endorsement granted to Messrs L.S.Raju, V.K. Narayana Iyengar and K.R. Papiah Raju, Bangalore.

With reference to their petition dated the 25th May 46 raising certain objections regarding the validity of the election of Mr.P.Shivashankar as President, Bangalore City Municipality, the petitioners are informed that their petition is rejected as Government consider that no interference is called for with the proceedings which are held to be in order.

By Order,

For Revenue Secretary to Govt.

Immediate

Dft no 1

G R S ~~App F G 3~~ Camp no L 3 Dt 6-6-46

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

Notification

Under Rule 9 of the Rules relating to the election of presidents and vice presidents of the city Municipal Councils issued with Notification no 23957-M 56-24-1 dated 28-11-1924 as amended from time to time, the Government are pleased to approve of the election of Thiru P. Siva-Sankar B A-B L as president Bangalore city Municipal Council

6/6/46

Revenue Secy to Govt

The Controller, Mysore Gazette for publication in Part III of the Gazette with a request that 10 spare copies may be sent to the Secretariat

WD 03697—GPB—30 000—2 2 46

and Municipal Com. Bldgs

Copy of the above sent to Municipal Com, Bangalore City with reference to their correspondence ending with their letter No C 1/7[illegible] dated 30-5-46 by Controller to Govt & Deputy Com, Bldgs Dept

To

The

Joint Secretary

II Dept Sanction No 1 Dt 6-6-46

Under powers delegated to me L. S. Rajan, M. K. Nambiar & K.K.R. Patrick Rajan. Bldgs

With reference to their petn dated 25 May. raising objections against the validity of the election of P. S. Kumaraswamy as President, Municipality the petitioners are informed that their petn is rejected as no ground for interfering with the election is held, as it is in order

By Order

6/6

Section Officer

Forwarding Clerk

are held to be

in order